Calendar No. 483

97TH CONGRESS, 2d Session } SENATE { REPORT No. 97-333

RELEASE OF REVERSIONARY INTEREST IN CERTAIN LANDS LOCATED IN CHRISTIAN COUNTY, KY.

APRIL 19 (legislative day, APRIL 13), 1982.—Ordered to be printed

Mr. HUDDLESTON, from the Committee on Agriculture, Nutrition, and Forestry, submitted the following

REPORT

[To accompany S. 2154]

The Committee on Agriculture, Nutrition, and Forestry, to which was referred the bill (S. 2154) to require the Secretary of Agriculture to convey a reversionary interest held by the United States in certain lands located in Christian County, Ky., to the Shy Flat Tabernacle Cemetery, Inc., Christian County, Ky., having considered the same, reports favorably thereon with an amendment and an amendment to the title, and recommends that the bill as amended do pass.

SHORT EXPLANATION

S. 2154 directs the Secretary of Agriculture, with respect to 1.52 acres of a larger plot of land that was conveyed by the United States to the Commonwealth of Kentucky in 1954, to release the Commonwealth of Kentucky, without consideration, from a condition contained in the deed of conveyance, so that the Commonwealth of Kentucky can transfer the 1.52 acres to the Shy Flat Tabernacle Cemetery, Incorporated, for use a cemetery. The condition that will be released requires that the land deeded to the Commonwealth of Kentucky be used for public purposes and provides for a reversion of the land to the United States if at any time it ceases to be so used. Under the bill, the release will apply so long as the land is used exclusively as a cemetery.

COMMITTEE AMENDMENTS

The committee amendment to the bill and to the title of the bill are technical in nature, making clarifying and other clerical changes.

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BACKGROUND AND NEED FOR LEGISLATION

Federally owned land located in Christian County, Ky., was conveyed to the Commonwealth of Kentucky in 1954 for inclusion in a State forest, now known as the Pennyrile State Forest. The conveyance was made as a part of the land conservation and use program under the authority of title III of the Bankhead-Jones Farm Tenant Act. That act, in section 32, requires that any deed of conveyance under title III be conditioned on the land being used only for public purposes. Thus, the deed effecting the 1954 transfer contained a condition establishing the right to reversion of ownership to the United States if the land was ever to cease being used for public purposes.

Members of the Shy Flat Tabernacle Church and Cemetery, located in the Pennyrile State Forest near Dawson Springs, have made a request to the Commonwealth of Kentucky for 1.52 acres of land in the State forest so that they may expand their cemetery.

The church and its cemetery are over 100 years old. The church was built in 1980 and, like many other country churches, has a cemetery on its property for the burial of its members. Additional space is now needed to accommodate members of the church who desire to be buried at the church cemetery.

The request made by the church members is for 1.52 acres of land that is a portion of the real property described as tract numbered 1314 in the quitclaim deed made by the United States, as grantor, to the Commonwealth of Kentucky, for the use and benefit of the Department of Conservation, dated July 9, 1954, recorded in Christian County, Ky., in deed book numbered 385, page 504.

At present, the Commonwealth of Kentucky, because of the condition contained in the deed, cannot grant the request. Therefore, legislation must be enacted to enable the Secretary of Agriculture to release the Commonwealth of Kentucky from the condition.

COMMITTEE CONSIDERATION

On March 31, 1982, the committee met in open session and considered S. 2154.

Senator Huddleston, at the request of the administration, submitted to the committee a technical amendment to section 1 of the bill. The original language of the bill would have allowed the reversionary interest in the 1.52 acres to be conveyed directly to Shy Flat Tabernacle Cemetery, Inc. However, since the Commonwealth of Kentucky owns the land, the administration prefers that the Commonwealth be released from the condition contained in the deed rather than the United States conveying the reversionary interest in the 1.52 acres to a third party. In this way, the Commonwealth will maintain responsibility for the disposition of the tract of land. To assure that the public interest in the land is preserved, the release will be applicable so long as the land is used exclusively for cemetery purposes.

In the presence of a quorum, the committee agreed by voice vote to the amendment and to report the bill, as amended, to the Senate with the recommendation that it pass.

ADMINISTRATION VIEWS

In a letter to Chairman Helms dated April 9, 1982, Secretary of Agriculture John R. Block stated that the Department of Agriculture has no objection to the enactment of S. 2154, if amended to make technical corrections. The letter to the chairman reads as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., April 9, 1982.

Hon. JESSE HELMS,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As you requested, here is our report on S. 2154, a bill "To require the Secretary of Agriculture to convey a reversionary interest held by the United States in certain lands located in Christian County, Kentucky, to the Shy Flat Tabernacle Cemetery, Incorporated, Christian County, Kentucky."

The Department of Agriculture has no objection to the enactment of S. 2154, if amended to make technical corrections to section 1.

S. 2154 directs the Secretary of Agriculture to convey without consideration all right, title, and interest of the United States in 1.52 acres of land to the Shy Flat Tabernacle Cemetery, Incorporated, located in Christian County, Kentucky. The land in question was granted in 1954 to the Commonwealth of Kentucky for the use of the Department of Conservation. The bill provides that the conveyance would not include the mineral interests retained by the United States in the 1954 deed. The bill also requires that the 1.52 acres be used only for cemetery purposes.

The 1.52 acres of land which would be conveyed are part of a larger conveyance granted to the State by the 1954 deed and known as the Princeton Land Utilization Project, KY–LU–2. It is now the Pennyrile State Forest. The lands were granted under authority of section 32(c) of the Bankhead-Jones Farm Tenant Act of 1937 (7 U.S.C. 1011, as amended). The section provides that lands acquired by the Federal Government under the Act may be conveyed to public authorities and agencies, but with the condition that they be used for public purposes. The 1954 deed contains this "public purpose reversionary clause" and thus would prevent the State from conveying any land in the project to the cemetery corporation. The deed also retains to the United States 75 percent of the mineral interests.

The Commonwealth of Kentucky, not the United States, is the owner of the 1.52 acres in question and would make the conveyance to the cemetery corporation if the public purpose reverter clause were removed. Action by the Federal Government is limited to removal of the reverter clause from the deed. Section 1 of the bill should be revised to reflect the State's role in the conveyance. We understand that the State has no objection to he conveyance. Our recommendation is incorporated in an amendment in the form of a substitute to section 1 which is enclosed.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

JOHN R. BLOCK,
Secretary.

COST ESTIMATE

I.

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate, the committee estimates that only nominal costs will be incurred by the Federal Government as a result of the enactment of this legislation.

II.

The cost estimate prepared by the Congressional Budget Office is consistent with the Committee's estimate. The letter to Chairman Helms from that Office reads as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., April 14, 1982.

Hon. JESSE A. HELMS,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Russell Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed S. 2154, a bill to require the Secretary of Agriculture to convey a reversionary interest held by the United States in certain lands located in Christian County, Kentucky, to the Shy Flat Tabernacle Cemetery, Incorporated, Christian County, Kentucky, as ordered reported by the Senate Committee on Agriculture, Nutrition, and Forestry, March 31, 1982.

Based on this review, it appears that no cost to the federal government would be incurred as a result of enactment of this legislation.

Sincerely,

RAYMOND C. SCHEPPACH
(For Alice M. Rivlin, Director).

REGULATORY IMPACT STATEMENT

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the committee makes the following evaluation of the regulatory impact that would be incurred in carrying out S. 2154.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses; nor will there be an effect on personal privacy since the purpose of the bill is only to direct the Secretary of Agriculture to release a reversionary interest, held by the United States, in a 1.52 acre tract of land. A small amount of paperwork will result from the enactment of S. 2154, in the form of legal documents that must be filed to consummate the release.

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